IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(Crl.).No. 233 of 2007(S)

PETITIONER:

OHM PRAKASH.P, AGED 28,
SON OF A. PONNAN, KIZHAKEKARA HOUSE, VANDANMEDU
PANCHAYAT, VANDANMEDU P.O., UDUMBANCHOLA TALUK,
IDUKKI DISTRICT.

BY ADV. SMT.S.SMITHA (PARAKKAL)

RESPONDENTS:
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1. JOSE PHILIP, AGED ABOUT 52,
RESIDING AT ANANDA BHAVAN, VANDANMEDU PANCHAYAT,
VANDANMEDU P.O.,UDUMBANCHOLA TALUK,IDUKKI DISTRICT

2. ANCY PHILIP, AGED ABOUT 48,
WIFE OF JOSE PHILIP, RESIDING AT -DO- -DO-.

3. THE SUPERINTENDENT OF POLICE, IDUKKI.

4. THE CIRCLE INSPECTOR OF POLICE,
VANDANMEDU.

5. THE SUB INSPECTOR OF POLICE, VANDANMEDU.

BY ADV. SRI.P.CHANDY JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & V.K.MOHANAN,JJ

WP(CRL.) No.233 OF 2007

Dated 23rd October, 2007.

JUDGMENT

Raman, J.

This is a writ petition for habeas corpus. The allegation against the petitioner is that the petitioner and the alleged detenu by name Jan Philip lived together as husband and wife. They decided to marry. Both of them belong to different communities. Petitioner is aged 28 and Jan Philip is 22. They are matured to take their own decision. They decided to marry themselves under the special Marriage Act as the petitioner's parents did not agree for the marriage. She was hospitalised on 13-8-2007 at Visakha Poly Clinic and they lived together at K.T.Lodge at Madurai for 2 days. Thereafter they stayed together in a house belonging to their friend. It is his case that the parents and relatives of the girl came to Madurai and assured the petitioner that Jan Philip will be given in marriage to him and marriage will be performed according to the religious rites and custom prevailing in the society. Based on such promise, they abandoned the programme for conducting register marriage. While so, on 18-9-2007, respondents 1 and 2 came to the hostel and forcibly took her. The petitioner understand that she is under illegal confinement of respondents 1 and 2.

2. Pursuant to notice issued, parties appeared. The alleged detenu Jan Philip also appeared. We interacted with her. She stated that she wants to go along with her parents and that she is not under illegal custody as alleged. Since the petitioner wanted to talk to Jan Philip, opportunity was given and thereafter also we took up the matter. On interaction, she reiterated her earlier stand that she wants to go with her parents and that she is not under illegal custody. We are satisfied that whatever she told is out of her free will. She being a major, she is a free person. She is permitted to go along with her parents. Police will render necessary protection for the return journey of the alleged detenu and others. The writ petition is dismissed.

P.R.Raman, Judge.

V.K.Mohanan, Judge.

kvm/-

V.K.MOHANAN, J.

No....

Judgment/Order

Dated: